

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SALT LIFE, LLC,

Plaintiff,

v.

Case No. 2:20-cv-590-JLB-NPM

SALT LIFE TRANSPORTATION,
LLC and DONALD BISHOP,

Defendants.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Motion to Strike Defendant Salt Life Transportation, LLC's Motion to Dismiss and to Affirm Entry of Default. (Doc. 29). As explained below, the motion is granted.

I. Background

Plaintiff filed this lawsuit asserting trademark infringement claims. Defendant Salt Life Transportation, LLC was served with the initial complaint, failed to respond, and default was entered against it. (Docs. 10, 19.) Thereafter, Plaintiff amended its complaint to add claims against Defendant Donald Bishop, the individual that Plaintiff contends is the controlling member of Salt Life Transportation, LLC.

After serving Mr. Bishop with the amended complaint, Mr. Bishop and Salt Life Transportation, LLC filed a motion to dismiss the complaint, which was signed by Donald Bishop appearing pro se. (Doc. 28). In response, Plaintiff filed the

instant motion to strike the motion to dismiss to the extent that it was brought by Salt Life Transportation, LLC and to affirm the entry of default against Salt Life Transportation, LLC.

II. Motion to Strike

Plaintiff moves the Court to strike the motion to dismiss to the extent that it was brought by Salt Life Transportation, LLC, because Salt Life Transportation, LLC can only appear and be heard in this matter through counsel. Plaintiff is correct that “a business organization cannot appear pro se and must be represented by counsel.” S.E.C. v. Merchant Capital, LLC, 486 Fed. App’x. 93, 94 n.1 (11th Cir. 2012) (citing Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir.1985)).

Accordingly, the Court grants Plaintiff’s motion to strike the motion to dismiss to the extent that it was brought by Salt Life Transportation, LLC. See Antonio Zamperla, SpA v. Action Rides, Inc., No. 8:18-cv-00316-T-17AAS, 2019 WL 4671198, at *2 (M.D. Fla. Jan. 15, 2019) (striking motion to dismiss filed by non-attorney member of a business entity on behalf of the business entity).

III. Motion to Affirm Entry of Default

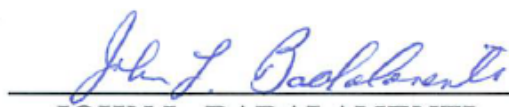
Plaintiff also moves the Court to affirm the default that was entered against Salt Life Transportation, LLC on December 4, 2020. (Doc. 19). Salt Life Transportation, LLC has not appeared in this Court through counsel seeking to vacate the entry of default, and as such, the entry of default remains against Salt Life Transportation, LLC.

IV. Conclusion

Accordingly, it is **ORDERED**:

- (1) Plaintiff's Motion to Strike Defendant Salt Life Transportation, LLC's Motion to Dismiss and to Affirm Entry of Default (Doc. 29) is **GRANTED**.
- (2) To the extent that the motion to dismiss (Doc. 28) purports to be filed by Salt Life Transportation, LLC, the motion is **STRICKEN**. The motion to dismiss remains pending to the extent that it was brought by Defendant Bishop.
- (3) The Court affirms that the entry of default remains against Salt Life Transportation, LLC.

ORDERED in Fort Myers, Florida, on May 3, 2021.


JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record